

Georgia Department of Natural Resources

Environmental Protection Division • Watershed Protection Branch
2 Martin Luther King Jr. Drive • Suite 1152 East • Atlanta • Georgia 30334
(404) 463-1511; Fax (404) 656-2453
Richard E. Dunn, Director

JUN 28 2016

Ms. Deanna Greco
National Park Service
Chattahoochee River National Recreation Area
1978 Island Ford Parkway
Sandy Springs, Georgia 30350

Re: Request for Stream Buffer Variance under
Provisions of O.C.G.A. 12-7-6(b)(15)
BV-067-16-01
I-85 Express Lanes Extension
Gwinnett County

Dear Ms. Greco:

Thank you for your letter of April 20, 2016 regarding the above referenced stream buffer variance request. We appreciate you making us aware of your concerns.

After receiving your comments we forwarded them to the variance applicant and requested that they consider them and provide a response. We have reviewed the applicant's response (enclosed) and are satisfied that your concerns have been adequately addressed. Because the applicant has met all applicable requirements, the requested variance has been granted. A copy of the Director's letter granting the variance is enclosed.

Again, thank you for taking the time to share your concerns with us; we appreciate your commitment to helping us protect our state's water resources. If you have any questions, please contact William Smith, Erosion and Sedimentation Control Unit, at (404) 651-8553.

Sincerely,



Glen Behrend, P.E.
Program Manager
NonPoint Source Program

GB:ws

Enclosure



United States Department of the Interior

National Park Service
Chattahoochee River
National Recreation Area
1978 Island Ford Parkway
Sandy Springs, GA 30350

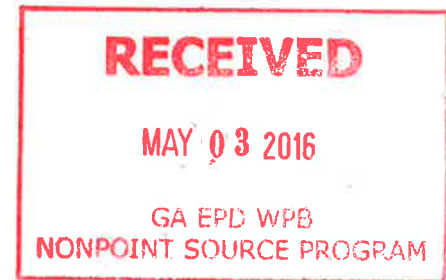


IN REPLY REFER TO:
L7619 (CHAT)

April 20, 2016

ATTN WILL SMITH

Program Manager
NonPoint Source Program, Erosion and Sedimentation Control
2 MLK Jr. Dr. SW
Atlanta, GA, 30334



Dear Program Manager:

This letter is in response to Public Advisory control number BV-067-16-01, Gwinnett County, Georgia for permission to encroach on the 25-foot State waters buffer. The variance is considered under the Georgia EPD Buffer Variance Criteria and Procedure 391-3-7.05(2)(A and H): the project involves the construction or repair of an existing infrastructure project and the United States Army Corps of Engineers has approved a mitigation plan to be implemented as a condition of such a permit. This project will involve the construction of a new tolled lane on I-85 and a noise barrier. The applicant estimates that 179 linear feet of stream buffer will be impacted by fill placement, riprap, and construction access.

Congress established the Chattahoochee River National Recreation Area (CRNRA), a unit of the National Park Service (NPS), in 1978 to assure the preservation and protection of a 48-mile stretch of the Chattahoochee River from Buford Dam to Peachtree Creek. CRNRA consists of the river and its bed along with the lands, waters, and interests within the park's authorized boundary. The NPS has a vested interest in preserving the water quality, view shed, and the natural condition of the river corridor for the various ecological, biological, and recreational services it provides to the general public. We are concerned that the project could cause detrimental impacts to park resources if proper Best Management Practices (BMPs) are not followed and maintained. It is with these concerns in mind that NPS offers the following comments and recommendations:

Erosion and Sedimentation

If Georgia EPD decides to issue authorization for the stream buffer variance, there will be potential for increased erosion and sedimentation. Stream buffers play an important role in protecting the water quality of the Chattahoochee River from nonpoint source pollution such as sedimentation. The proposed project is in close proximity to Suwannee Creek and Ivy Creek in sections that are listed on the state of Georgia's 303(d) list as impaired for not fully meeting their designated uses and any addition of sediment or run-off would disrupt the current water quality standard. Therefore, avoiding impacts to the stream buffers is critical in preventing further

impairment to the water quality of the river. We ask that all construction Best Management Practices (BMPs), at a minimum, be designed and implemented to comply with the standards and specifications outlined in the *Manual for Erosion and Sediment Control in Georgia* (Georgia Soil and Water Conservation Commission, 2014). An approved erosion and sedimentation control plan should be implemented before soil disturbances occur within the project site to avoid violating the Erosion and Sedimentation Act of 1975.

Recommendation: Impacts to the stream buffers in the Chattahoochee River watershed should be avoided or minimized to avoid an influx of sedimentation. After proper installation, continued and unfailing maintenance and repair of the BMP's should be guaranteed in order to ensure their effectiveness and specifically to control, as far as possible, the effects of this project on the river.

Installation of Culverts for Stream Crossings

In general, installation of culverts changes the substrate, light availability, and sinuosity of the natural stream channel. In addition, culverts increase the velocity of water, especially during times of high flows. Altering the substrate, channelizing the stream, and altering the natural daytime/nighttime light regime of tributaries, especially in close proximity to the Chattahoochee River, have the potential to alter or negatively affect the ecological biodiversity of aquatic species.

Recommendation: The NPS requests an alternatives analysis that examines the use of bridges and box culverts for use in stream crossings to avoid potential impacts to the aquatic ecosystem of the Chattahoochee River and watershed.

Control of Stormwater Runoff

Stormwater runoff is of upmost concern to CRNRA, as stormwater runoff within the watershed is a major source of nonpoint source pollution in the river. As the plans move forward to local review, we ask that storm water management options to be carefully deliberated to avoid impacts to the surrounding area and existing infrastructure from the addition of impervious surfaces such as buildings, drives, and parking areas.

Recommendation: The project should be designed to limit increases in impervious surface area. We ask that stormwater management practices include current and up-to-date smart-growth techniques and low-impact design elements that address the impacts of additional hardscape.

Protection of Natural Riparian Values

The NPS has specific concerns about the placement of rip rap along stream banks which can compromise natural riparian values.

Recommendation: We request that alternatives to riprap be investigated including the use of smart-growth techniques and low-impact design elements to minimize stormwater runoff and impacts to the surrounding area including NPS park wetlands and the Chattahoochee River. Again, the use of alternatives, such as bridges and box culverts, in addition smart-growth techniques and low-impact design elements, offer alternatives including stormwater management practices that reduce impacts to streams.

Introduce/Promote Non-native Species

Construction activities have the potential to transport exotic invasive plant and animal species.

Recommendation: We request that all equipment be washed and cleaned of mud and debris that may transport unwanted pests before being brought on-site. The NPS encourages the project

applicant to use only native grass seed or native vegetation for stabilizing the project area following construction. Non-native species are easily transported downstream and can start new colonies in CRNRA.

We appreciate your consideration of these comments. Please feel free to contact park's Natural Resources Program Manager, Deanna Greco, directly if you have any questions or concerns that we could help to address. She can be reached at 678-538-1322 or by email at Deanna_Greco@nps.gov.

Thank you,

A handwritten signature in blue ink, appearing to read 'D. Horne', is positioned above the printed name.

David Horne
Acting-Superintendent



May 12, 2016

Mr. Glen Behrend
Georgia Department of Natural Resources
Environmental Protection Division
Erosion & Sedimentation Control Unit
2 MLK, Jr. Dr. S.W., Suite 1462
Atlanta, Georgia 30334
Attention: Will Smith

Subject: Response to National Park Service Comments L7619 (CHAT), BV-067-16-01 – Interstate-85 Express Lanes Extension, Georgia Department of Transportation Project NHIM0-0085-02(164), Gwinnett County, PI 110600

Dear Mr. Johnson:

The National Park Service (NPS), Chattahoochee River National Recreation Area (CRNRA) responded to the Public Advisory for BV-067-16-01 for the subject project. To extend the Interstate (I) 85 express lanes in Gwinnett County, the Georgia Department of Transportation (GDOT) requests authorization from the Georgia Environmental Protection Division (EPD) to encroach upon the 25-foot state mandated buffers of three perennial streams and two intermittent streams associated with fill placement, riprap, and construction activities necessary to construct the managed land and noise barriers. The project would result in non-exempt stream buffer impacts under Criterion 2(a) totaling approximately 2,276.8 square feet (157 linear feet) and approximately 757.4 square feet (22 linear feet) under Criterion 2(h). The CRNRA, a unit of the NPS, is concerned that the project could cause detrimental impacts to park resources if the proper Best Management Practices (BMPs) are not followed and maintained. Although the project waters are not direct tributaries to the Chattahoochee River, the project impacts occur within the boundaries of the Upper Chattahoochee River watershed, (Hydrologic Unit Code [HUC] 03130001). This letter addresses comments and recommendations from NPS received May 3, 2016. The NPS comments and recommendations, along with GDOT responses, are outlined below.

NPS Erosion and Sedimentation Comment:

If Georgia EPD decides to issue authorization for the stream buffer variance, there will be potential for increased erosion and sedimentation. Streams and stream buffers play an important role in protecting the water quality of the Chattahoochee River from nonpoint source pollution such as sedimentation. The project is in close proximity to Suwannee Creek and Ivy Creek in sections that are listed on the state of Georgia's 303(d) list as impaired for not fully meeting their designated uses and any addition of sediment or run-off would disrupt the current water quality standard. Therefore, avoiding impacts to the stream buffers is critical in preventing further impairment to the water quality of the river. We ask that all construction Best Management Practices (BMPs), at a minimum, be designed and implemented to comply with the standards and specifications outlined in the Manual for Erosion and Sediment Control in Georgia (Georgia Soil and Water Conservation Commission, 2014). An approved erosion and sedimentation control plan should be implemented before soil disturbances occur within the project site to avoid violating the Erosion and Sedimentation Act of 1975.

NPS Recommendation:

Impacts to the streams and stream buffers in the Chattahoochee River watershed should be avoided or minimized to avoid an influx of sedimentation. After proper installation, continued and unfailing maintenance and repair of BMPs should be guaranteed in order to ensure their effectiveness and specifically to control, as far as possible, the effects of this project on the river.

GDOT Response

Roadway projects are not producers of fecal coliform; therefore, the project would not directly contribute to the levels in these listed waters; however, protection would be put in place so that stormwater would not indirectly contribute fecal coliform. The GDOT would adhere with terms of the National Pollutant Discharge Elimination System (NPDES) permit for construction activities to include preparation and submittal of project Notice of Intent (NOI) and Notice of Termination (NOT). Adherence with the NPDES permit also requires preparation and implementation of an Erosion, Sedimentation, and Pollution Control Plan (ES&PCP) and a Comprehensive Monitoring Program. The BMPs outlined in the ES&PCP would meet or exceed practices set forth in the Manual for Erosion and Sedimentation Control in Georgia. Although complete avoidance of streams and stream buffers in the Upper Chattahoochee River watershed is not feasible, consideration of impacts to the surrounding environment were made during the design and minimization efforts were incorporated which reduced impacts.

NPS Installation of Culverts for Stream Crossings Comment:

In general, installation of culverts changes the substrate, light availability, and sinuosity of the natural stream channel. In addition, culverts increase the velocity of water, especially during times of high flows. Altering the substrate, channelizing the stream, and altering the natural daytime/nighttime light regime of tributaries, especially in close proximity to the Chattahoochee River, have the potential to alter or negatively affect the ecological biodiversity of aquatic species.

NPS Recommendation:

The NPS requests an alternatives analysis that examines the use of bridges and box culverts for use in stream crossings to avoid potential impacts to the aquatic ecosystem of the Chattahoochee River and watershed.

GDOT Response:

The subject project does not include any new stream crossings, nor involve installation of new culverts; however, extension and maintenance of existing culverts (including box culverts) are current design elements for the project. In accordance with standard GDOT practices, any culvert extension is done in-kind. Therefore, conducting an alternatives analysis that examines use of bridges and box culverts for use in stream crossings is not applicable to this project.

NPS Control of Stormwater Runoff Comment:

Stormwater runoff is of upmost concern to CRNRA, as stormwater runoff within the watershed is a major source of nonpoint source pollution in the river. As the plans move forward to local review, we ask that storm water management options to be carefully deliberated to avoid impacts to the surrounding area and existing infrastructure from the addition of impervious surfaces such as buildings, drives, and parking areas.

NPS Recommendation:

The project should be designed to limit increases in impervious surface area. We ask that stormwater management practices include current and up-to-date smart-growth techniques and low-impact design elements that address the impacts of additional hardscape.

GDOT Response:

The project was designed to limit increases in impervious surface area, to the extent practicable, by utilizing existing lanes and restriping and does not include construction of buildings, drives, and parking areas. However, additional impervious surfaces would be inherent to the nature of this transportation improvement project. The GDOT would adhere to the requirements outlined in the Georgia Environmental Protection Division (GEPD) Municipal Separate Storm Sewer System (MS4) Permit, NPDES Permit No. GAR041000, which include incorporating permanent Post Construction Stormwater BMPs into the design where appropriate. The MS4 treatment requirements include removal of a minimum of 80% Total Suspended Solids (TSS) and 60% pollutants, such as total phosphorus, total nitrogen, fecal coliform, and metals, to the extent practicable. The BMPs proposed for the subject project include: Open Graded Friction Coarse (OGFC), dry detention basins, and filter strips, since these BMPs were determined to be feasible in the Post Construction Stormwater Management Report, which was submitted to and approved by the GDOT, and forwarded to GEPD for concurrence.

NPS Protection of Natural Riparian Values Comment:

The NPS has specific concerns about the placement of riprap along stream banks which can compromise natural riparian values.

NPS Recommendation:

We request that alternatives to riprap be investigated including the use of smart-growth techniques and low-impact design elements to minimize stormwater runoff and impacts to the surrounding area including NPS park wetlands and Chattahoochee River. Again, the use of alternatives, such as bridges and box culverts, in addition to smart-growth techniques and low-impact design elements, offer alternatives including stormwater management practices that reduce impacts to streams.

GDOT Response:

For this project, riprap is only being used at culvert outfalls in order to provide outlet protection so that the potential for further stream bed and bank degradation at the outlet is reduced. Riprap was designed in accordance with the GSMM and Standard GDOT practices would be followed during riprap installation.

NPS Introduce/Promote Non-native Species Comment:

Construction activities have the potential to transport exotic invasive plant and animal species.

May 12, 2016

NPS Recommendation:

We request that all equipment be washed and cleaned of mud and debris that may transport unwanted pests before being brought on-site. The NPS encourages the project applicant to use only native grass seed or native vegetation for stabilizing the project area following construction. Non-native species are easily transported downstream and can start new colonies in CRNRA.

GDOT Response

In order to address and manage the spread of unwanted pests the GDOT utilizes Georgia Standard Specifications to detail applicable practices to be followed by the contractor, including Section 155 (Insect Control) and Section 201.3.05 (Construction). These practices include removing and disposing of vegetative parts in the soil that may reproduce by root raking prior to moving the soil, burning on-site any such parts aboveground that bear fruit or spontaneously produce roots, controlling or eradicating infestations prior to construction, and cleaning vehicles and other equipment prior to leaving infested areas. In regards to revegetation, the GDOT Standard Specifications 700 (Grassing) and 702 (Vine, Shrub, and Tree Planting), outline all temporary and permanent vegetative practices, including plant species, to be followed and installed by the contractor. Per the submitted buffer variance application, riparian seed mixes incorporating a mix of 60% native grass types and 40% native herbaceous types would be used for revegetation of the non-exempt buffer impacted areas. Native trees and shrubs would be used to revegetate the non-exempt buffer impact areas with slopes less than 3:1 as outlined in the buffer variance application.

Thank you for your attention to this matter. The GDOT is committed to the conditions outlined above. If you have any additional concerns or need additional information, please contact Sharilyn Meyers at 404.631.1594 or Doug Chamblin at 404.631.1447 with the GDOT Office of Environmental Services.

Sincerely,



Eric Duff

State Environmental Administrator

ED/HDC/mbr

cc: Andrew Hoenig, GDOT Project Manager
Michael Margut, GDOT NEPA Analyst
Christina Schmidt, GDOT Environmental Scheduler
Daryl Williams, GDOT ECB
Lisa Westberry, GDOT Mitigation
Jennifer Giersh, FHWA
Bob Thompson, CW Matthews Project Manager
Keith Kunst, Arcadis Project Manager